

TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

APRIL 5, 2010

Study Session

City Manager Jon Crusey opened the Study Session at 6:00 p.m. on this date.

Council members in attendance included Mayor Dee Gillis, John E. Kessler, Katie Black, Joe Gibson, George Lovett, Bryan Budding, and President Patrick Hale.

Others in attendance: Assistant City Manager Brad Vath, Law Director Joseph Moore, City Engineer Scott Vagedes, Fire Chief Steve Kessler, reporters Nancy Bowman, Marilyn McConahey, Mike McDermott, and Clerk of Council Cathy Ross.

Guests in attendance: Tim Logan, Jack Berry, Kathy Taylor, Mike McFarland, Scott Brownlee, Molly Spencer, and Marilyn Richards.

Interstate Signs

City Manager Crusey reminded Council that a representative from Holiday Inn approached Council at the March 1st meeting regarding obtaining a variance to the sign code to allow for a larger interstate sign. Council requested that Staff provide additional information on various communities' standards for signage adjacent to interstate highways and requested that the sign code be included as part of the discussion at their Retreat on March 5th. Assistant City Manager Vath provided Council with the requested information as well as information concerning previous discussions of the sign code. Mr. Crusey noted during previous sign code discussions, the Planning Board had recommended to Council that 200 square feet signs be allowed, but Council amended it to 120 square feet. Mr. McFarland, Planning Board representative, stated that in 2003 the Planning Board recommended to leave signage at 200 square feet and also recommended a height of 70 feet. The current Planning Board would also like to see those businesses on Weller Drive be able to have larger signs as well. In 2003, Council revised the area to 120 square feet and the height to 60 square feet. Mr. McFarland added that Holiday Inn was recently granted a 10 foot variance in height.

Mr. Lovett asked for confirmation from City Attorney Moore that Dr. Kelly from Ball State expressed detailed concerns about granting variances in signs. Mr. Moore stated that this was true and noted that it is very hard to defend a variance clause. Mr. Lovett noted that some members of the Council in place in 2003 only wanted signs to be 15 feet in height and stated that he feels that 40 square feet is too small for businesses on the interstate.

Mr. Kessler noted that the sign size requested by Holiday Inn would still be too large if Council changed the interstate sign code to 200 square feet. Mr. Crusey agreed and stated that there will always be the risk of businesses requesting larger signs than allowed by code.

Mr. Moore noted that Council amends the sign code it will run the risk of people being upset by changes in the sign code because they weren't allowed the same opportunities and noted that the sign code was changed in

2008. Mr. Gibson requested information on the changes made in 2008 and Mr. Moore agreed to provide this information.

Tim Logan stated that he and his partner, Jack Berry, own almost 90 acres of highway service land across for Arbogast and noted that "a sign is only good if you can see it." Mr. Logan stated that Council should look at the whole code and that the standard should be more liberal and Council should be able to approve variances on a case-by-case basis. He noted that provisions need to be made for property that is not as visible as those that are right on the highway or where visibility is impeded by, for example, a bridge.

Mr. Gibson asked Mr. Moore to explain how reviewing requests on a case-by-case basis would open the City up to liability. Mr. Moore explained that if you allow it for one and not the other, there are equal protection arguments that could be made against the City.

Molly Spencer requested that the Tipp City Arts Council be informed of any future meetings where discussion of sign code occurs as they would like to be allowed to do murals and display art work downtown. Mr. Crusey stated that Community Services would be made aware when discussions occur.

Mr. Crusey stated that Council can request that the Planning Board review the Code and bring back changes for approval or Council can make a recommendation and send it to Planning Board for review. Mr. Moore reminded Council that this procedure is established in the Zoning Code. Mr. Vath noted that Planning Board meets on May 12th, changes could be included in Council packet on May 17th, and if approved could be adopted by Council at their June 7th meeting.

Mr. Budding asked if larger signs could be allowed to address Mr. Logan's concerns about property further away from the highway. Mr. Vath stated the new sign code only allows interstate signs for property abutting the interstate or the ramp. The old code prior to 2003 allowed highway signs. Mr. Logan stated that this is why he believes Council should be allowed to grant variances on a case-by-case basis – one standard does not fit all.

Mr. Gibson stated that he has had discussions with several business owners who have told him that working with City staff was a good experience; however, there are provisions that don't deal with the interstate. Mr. Gibson suggested that there are items that need to be dealt with now and further revisions to the sign code could be done at a later date.

Mr. McFarland suggested that the Planning Board have a workshop next Tuesday to review and make recommendations to Council on the sign code. Mr. Kessler agreed that he would like for the Planning Board to review and make recommendations to City Council. Ms. Black agreed with Mr. Kessler. President Hale stated that a motion will be added to the agenda.

Executive Session

Motion was made by President Hale, seconded by John Kessler, and unanimously approved to adjourn to Executive Session at 6:45 p.m. to include City Manager Jon Crusey, Assistant City Manager Brad Vath, City Engineer Scott Vagedes, Law Director Joseph P. Moore and Legal Counsel Kevin Lantz. The Executive Session was adjourned at 7:41 p.m. on a motion by President Hale, seconded by Mr. Kessler and unanimously approved.

TIPP CITY COUNCIL MEETING**TIPP CITY, MIAMI COUNTY, OHIO****APRIL 5, 2010****Council Meeting**

President Patrick Hale called to order the regular meeting of the Tipp City Council at 7:42 p.m. The following Councilmembers were present: President Patrick Hale, Katie Black, Bryan Budding, Joseph Gibson, Mayor Dolores Gillis, George H. Lovett, and John E. Kessler.

Others in attendance: Assistant City Manager Brad Vath, Finance Director Richard Drennen, City Engineer Scott Vagedes, Chief of Police Tom Davidson, City Attorney Joseph P. Moore, Fire Chief Steve Kessler, Utilities Director Mo Eichman, and Clerk of Council Cathy Ross.

Guests signing the register included: Steven Chaney, Scott Brownlee, Mike McFarland, Tim Logan, Jack Berry, Alex Krasica, Alicia Knife, A. Cuevas, A. Trotter, Lauren Ranft, Joey O'Brien, Kevin Fink, Luke Zerkle, Tracy Fujimura, Dan Martin, Savanna Wade, Terry Jones, Blake T., Adam Bonner, Katie Adkins, Jerry Shields, Christine Gabel, Melinda Shaw, Billy Rahaim, Lauren Burns, Hillary, Alex Parnin, Ben Parnin, Larry Riesser, Reporters Marilyn McConahay, Mike McDermott, and Nancy Bowman.

Invocation and Pledge of Allegiance

Mayor Dee Gillis delivered the invocation and led the Pledge of Allegiance.

Approval of Agenda

President Hale made a motion to amend the agenda to add letter D under Motions which will be a motion to the Planning Board. Motion was seconded by Ms. Black and unanimously approved. Mayor Gillis made a motion, seconded by Mr. Budding to approve the amended agenda. Motion was approved with a 7-0 vote.

Adoption of Minutes Study Session

Mr. Lovett made a motion to approve the minutes of the March 15, 2010 Pre-Meeting Study Session with amendment to show that Law Director Joseph Moore was part of the discussion at the Executive Session. Motion was seconded by Mayor Gillis and unanimously approved.

Council Meeting

Mr. Lovett made a motion to approve the minutes of the March 15, 2010 Council Meeting, seconded by Mr. Kessler and unanimously approved.

Presentations, Proclamations, and Awards

Mayor Gillis read a Proclamation for Occupational Therapy Month which was received by Christine Gabel, Melinda Shaw, and Jerry Shield, Jr.

Ordinances (Second Reading)

There were none.

Resolutions

(one reading required)

Resolution 15-10

Surplus Property

A resolution declaring personal property owned by the City of Tipp City to be declared surplus property and no longer useful in the general operation of the City.

Clerk of Council Summary: This resolution declares the City's intent to dispose of surplus items in accordance with law for items with a value of \$1,000 or more.

City Manager's Comments: The adoption of this resolution would declare a 2004 Ford Crown Victoria 2006 Ferris IS4500 Zero Turn Mower and a 59-inch John Deere Snow Blower Attachment to be surplus property and authorize the City Manager to dispose of said property by public sale, auction or trade-in or to be disposed on in the most cost-beneficial means as determined by the City Manager.

The 2004 Crown Victoria has over 102,000 miles and has been used for meter reading purposes. We currently have three vehicles for two meter readers. The vehicle is in need of major repairs and is not worth the cost to make the needed repairs. The Ford Crown Victoria may be traded to the Ohio Police Officer Training Academy (OPOTA) in exchange for credit to be used toward future departmental training costs. The 2006 Ferris Zero Turn Mower has a broken frame (re-welded in house) and is difficult to trim with. The City would receive a \$6,250 trade-in value for the Ferris mower. The John Deere 59-inch snow blower is no longer used nor effective, it takes 3 to 4 times longer to remove snow than with a plow. The snow blower was intended to be used for the Fire Station and Government Center parking lots; however, the V-plow on the pick-up and on the VenTrac are more effective in parking lots and on bike trails. The City would receive a \$1,700 trade-in value for the snow blower attachment.

There being no further discussion, Mayor Gillis sponsored this resolution and moved for its adoption. Motion was seconded by Mr. Kessler and passed with a 6-1 vote; Mr. Gibson voted no. Resolution 15-10 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 16-10

New Logo

A resolution adopting a new official logo for Tipp City.

Clerk of Council Summary: This new logo has received positive comments and will be placed on the new water tower. It will also be incorporated into business cards, letterhead, and other items as restocked.

City Manager's Comments: This resolution would adopt a new logo for the City of Tipp City. In September 2009 City Council approved the mum logo to adorn the new 1 million gallon water tower to be constructed at Success Circle and Donn Davis Way. Since that time the mum logo has been used intermittently on City documents and for public presentation. The City has received many positive comments regarding the mum logo. The TippNews Daily website conducted an online survey where 24 voters loved the new logo, 18 voters thought it was OK, and 5 preferred the current logo.

The new logo will be incorporated into business cards, letterhead, etc.

as those items are restocked. Furthermore, at this time, the new logo will be utilized on new vehicles and equipment as those items are purchased. The changing of the City Logo on municipal facilities will be reviewed with City Council prior to any changes taking place.

There being no further discussion, Ms. Black sponsored this resolution and moved for its adoption. Motion was seconded by Mr. Kessler.

Mr. Gibson stated that Council received a letter from a resident who was not in favor of the change and asked the City Manager to answer the letter, particularly their concerns with cost. Mr. Crusey explained that implementing the new logo won't require any upfront costs, but that the new logo will be used as new vehicles and equipment are purchased. Mayor Gillis stated that she received two letters that were not in favor of the new logo (one of which is the letter Mr. Gibson referred to), but has received many comments in favor. She reiterated that Council would not spend money on replacing items, just as needed. Ms. Black stated that another issue was "why the change" and stated that she believes that the new mum logo represents the City in a better way as most people know Tipp City because of the Mum Festival.

Ben Martin, 611 Barbara Dr. Mr. Martin stated that he agrees with Ms. Black, stating "it's orthodox and OK but Tipp City is more than OK." He noted that citizens of Tipp City have a lot of pride and want excellence, it's not very conventional, and the Mum "pops it out."

Mr. Gibson stated all the comments he has received have been favorable and he believes it is something acceptable.

Roll call vote was taken and the motion passed with a 7-0 vote. Resolution 16-10 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 17-10
U.S. Fish & Wildlife Grant

A resolution authorizing the City Manager to enter into an agreement with U.S. Fish and Wildlife Service for Wildlife Management and Habitat Developments for former Senseman property now owned by City of Tipp City.

Clerk of Council Summary: This resolution authorizes the acceptance of a \$7200 grant from the U.S. Fish and Wildlife Service.

City Manager Summary: This resolution authorizes the City Manager to enter into a Partners For Fish and Wildlife Habitat Development Agreement with the US Fish & Wildlife Services for the western 60.1 acres of the Senseman property that was recently purchased by the City. This \$7,200 grant would be used to plant firebreaks and prairie grass this spring. The City would need to expend local funds to get the work completed, submit invoices to the USFWS, and then be reimbursed up to \$7200.

Additional funding will be forthcoming from the USFWS for the re-establishment of seasonal wetlands and prairie grass on the eastern 54.3 acres of the recently purchased land. Currently, the USFWS is developing a plan to develop seasonal wetlands in conjunction with the mitigation work that will soon get underway on easternmost 12.567 acres that is being planted in

Resolution 18-10
Non-Pool Power Sales
Schedule with AMP

**Ordinances
(First Reading)**
Annexation

riparian area for the Austin Road mitigation project currently taking place South of Dayton.

There being no further discussion, President Hale sponsored this resolution and moved for its adoption. Motion was seconded by Mr. Budding and passed with a 7-0 vote. Resolution 17-10 was declared passed and President Hale affixed his signature in witness thereto.

A resolution authorizing the City Manager to execute Non-Pool Power Sales Schedule with American Municipal Power ("AMP").

Clerk of Council Summary: This schedule will allow AMP to negotiate and enter into agreements to purchase electric power and/or energy for Tipp City for extended terms of no longer than five years.

City Manager Comments: This resolution authorizes the City Manager to enter into a Non-Pool Power Sales Schedule with American Municipal Power (AMP). AMP is currently authorized to purchase power on the City's behalf for arrangements of one year or less. This schedule would enable AMP to negotiate and enter in to agreements to purchase electric power and/or energy for extended terms of no longer than five years. This action is being taken to fill the void, for the next five years, which will occur in the City's purchase power agreements until the AMPGS, Prairie State and various hydroelectric projects come on line. This resolution also waives any competitive bidding requirements that may apply to AMP's Long-Term Power contracts.

There being no further discussion, Mr. Lovett sponsored this resolution and moved for its adoption. Motion was seconded by Mr. Kessler.

President Hale asked if AMP will require Council approval to purchase power. Mr. Crusey replied that Staff would now authorize the purchase agreements.

Motion passed with a 7-0 vote. Resolution 18-10 was declared passed and President Hale affixed his signature in witness thereto.

Mr. Kessler sponsored an ordinance accepting the application for the annexation of certain territory containing +/- 130.319 acres from Monroe Township to the City of Tipp City.

Clerk of Council Summary: This ordinance would allow for the annexation of 130.319 acres of land along the south side of Main Street east of the current corporate boundaries.

City Manager Comments: This ordinance, if adopted, would annex 130.319 acres of land along the south side of Main Street east of the current corporate boundaries. The City recently purchased 117.70 acres this land for its wellhead protection program with the remaining 12.619 acres being owned by Allen Senseman and Karen Shell. City Council adopted Resolution 1-10 at its January 4, 2010 meeting authorizing the City Manager to sign the annexation petition and to enter into an annexation agreement with the Board of Trustees of Monroe Township. The Miami County Commissioners approved this

Chapter 37

annexation at their February 2, 2010 meeting.

Mayor Gillis sponsored an ordinance amending Chapter 37 including Appendix Exhibit "A" of the Codified Ordinances of the City of Tipp City for all City employees not covered by a collective bargaining unit.

Clerk of Council Summary: This ordinance makes changes to Chapter 37 of the Codified Ordinances relating to employees not covered by a collective bargaining agreement.

City Manager Comments: The adoption of this ordinance would abolish the positions of Street Superintendent and Park Superintendent and create the position of Service Superintendent effective June 1, 2010. The ordinance also places the new Service Superintendent position on pay grade higher than the Street/Parks Superintendent positions. Finally, as a housekeeping item, the entire pay scale has been revised to reflect that non-represented employees did not receive a cost of living increase in 2009 and are not scheduled to receive one in 2010.

Motions

Seasonal Employees

Mr. Kessler made a motion, seconded by President Hale, to authorize hiring part-time and seasonal employees. Motion was unanimously approved.

PT Storeroom Clerk

Mr. Lovett made a motion, seconded by Mr. Kessler to authorize filling the part-time Storeroom Clerk position in the Electric Department. Motion was unanimously approved.

Full-Time Foreman

President Hale made a motion to authorize filling the position of full-time Foreman in the Electric Department. Motion was seconded by Mr. Lovett and unanimously approved.

Sign-Code

President Hale made a motion to send to Planning Board for review the sign code pertaining to highway signs and requesting that they come back to Council with a recommendation pertaining to those signs. Motion was seconded by Ms. Black and unanimously approved.

Citizen Comments

There were none.

**Councilmember
Comments**

Mr. Budding thanked everyone who attended this meeting and noted that while this was not the most exciting meeting to watch, there are some that are exciting. He informed students that he used to believe that City Council did not make decisions that would affect his life, but has learned that that is not true and he encouraged students to become involved.

Mr. Lovett noted that he was shocked and saddened to learn that Kitty Lobo passed away. He noted that Mrs. Lobo was the Communications Director of the Tippecanoe School system for many years and that he had the privilege to work with her and had a high regard for her personally and professionally. He added that our city has not only lost a key resource, but he has also lost a friend. Mr. Lovett then expressed his condolences to her family.

Mayor Gillis informed citizens that she recently presented two proclamations; one to Linden and Jean Milthaler for their 60th wedding anniversary and one to Dick and Linda Ray celebrating their 50th wedding

anniversary. She reminded citizens that the week of April 12th is Library week and suggested that everyone visit the library and noted that the Library will have celebrity librarians. Mayor Gillis also noted that April is National Alcohol Awareness Month.

City Manager Comments

City Manager Crusey reported that income taxes were up almost 4% for the month of March. He added that he hopes that this trend will continue or at least flatten out for the remainder of the year.

Adjournment

The meeting was adjourned at 8:12 p.m. on a motion by Mr. Kessler, seconded by Ms. Black, and unanimously approved. President Hale noted that Council would be adjourning to continue discussion not covered at the Pre-Meeting Study Session.

Patrick Hale, President

Attest: _____
Cathy Ross, Clerk of Council

TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

APRIL 5, 2010

Study Session

City Manager Jon Crusey re-opened the Study Session at 8:13 p.m. on this date.

Council members in attendance included Mayor Dee Gillis, John E. Kessler, Katie Black, Joe Gibson, George Lovett, Bryan Budding, and President Patrick Hale.

Others in attendance: Assistant City Manager Brad Vath, Law Director Joseph Moore, City Engineer Scott Vagedes, Fire Chief Steve Kessler, Finance Director Richard Drennen, reporters Nancy Bowman, Marilyn McConahey, Mike McDermott, and Clerk of Council Cathy Ross.

Guests in attendance: Mike McFarland and Scott Brownlee

**Hartman/Horton
Reconstruction Projects**

Mr. Vagedes reviewed with Council the budgeted versus estimated cost of the reconstruction projects on Hartman and Horton. He noted that there is a funding shortfall in both projects. Mr. Crusey noted that money is set aside monthly by TCA for I/I projects and may be available for our use, but the City will have to make application for these funds. Mr. Eichman stated that he sits on the Board that makes the decisions on whether funds can be used and stated that it depends on how much I&I you have and how you are going to spend the money.

Mr. Lovett asked why the budget and the estimated costs are so far off. Mr. Vagedes answered that the City is seven years behind in construction of these streets and when the estimate was done, bids were coming in a lot better than they are now. Mr. Lovett asked if the estimates for curbs and sidewalks were the same or were they higher as well. Mr. Vagedes replied that they are the same and any increase in cost won't fall on property owners.

Mr. Crusey requested a decision from Council as to whether to bid these projects out even though there is a funding shortfall. Ms. Black asked if the project was bid out and came back too high, would the City be required to do the projects. Mr. Crusey replied that the City would not be required to do anything. He also reminded Council that there is still \$350,000 in Kyle Park easement funding available and a carryover fund balance.

Mr. Lovett asked Mr. Vagedes if he could see any circumstance in the future where he could see being able to do these projects cheaper. Mr. Vagedes replied no, in his opinion bids need to be out as soon as possible as prices will continue to go up.

Council recommended that both projects be bid out as soon as possible.

Strategic Plan

City Manager Crusey provided City Council with a draft of the Strategic Plan for 2010-2011 as discussed at the March 5th Council Retreat. The document included his recommendations for lead person(s), establishment of deadlines, identifying potential costs and defining desired outcomes.

Goal 1: Maintain and enhance quality of life, the small town feel, and services through increased economic development.

Strategy 1: Update zoning codes, specifically subdivision and sign code.

Mr. Crusey informed Council that the current code is a hodge podge created in the 1970s. These codes would have to be updated by a consultant and would require a complete rewrite. Mr. Kessler asked if this could be done internally. Mr. Crusey replied that changes to code have a ripple effect throughout the code and noted that if economic development is a priority, updating this code is required.

Strategy 2: Capitalize on Tipp City's utilities: water, electric, fiber.

Mr. Vath noted that sanitary sewer needs to be added to this strategy.

Strategy 3: Encourage tourism with existing amenities including DTC partnership, recreation destination, parks, shopping, bike paths, and historical/heritage.

Mr. Kessler suggested that instead of focusing on downtown only, the focus should be on all of Tipp City. The completion date will remain ongoing. Mr. Budding agreed with Mr. Kessler and suggested that Strategy 3 be eliminated. Mr. Gibson suggested that the Downtown Tipp City Partnership be eliminated from Strategy 3 and on #3 under Outcomes.

Strategy 4: Establish an economic development strategy.

This will be an ongoing project. Mr. Crusey stated that since Tipp City doesn't have its own industrial parks, we are at a disadvantage. Low taxes and low utility rates will not offset "deal closing enticement dollars". He added that Council may want to develop a policy for what we will do, such as income tax rebates. Mr. Vath stated that this should be done on an annual basis so staff won't have to get permission from Council on a deal-to-deal basis.

Goal 2: maintain and improve the city's capital needs through the acquisition and responsible use of resources.

Council made no changes.

Goal 3: Foster two way communication between the city and community.

Strategy 1: Enhance our communication to the community.

Council made no changes.

Strategy 2: Enhance community communication with city council.

Council members expressed an interest in having Council office hours, conducting council meetings in public areas such as schools and parks. Mayor Gillis will still be holding quarterly Breakfast with the Mayor and hopes to hold an Evening with the Mayor event next quarter.

Other Discussion

Mr. Budding asked if there was a way to start looking at the budget earlier. He suggested that donations be taken for fireworks if it was decided during the budget not to have them. Mr. Crusey replied that updates could be done on a quarterly basis, but the schedule for the budgeting process is outlined in the Charter.

Mr. Gibson asked if it was possible to get the 5-year CIP to Council sooner. Mr. Crusey stated that he would research that possibility.

Mr. Budding asked if there was a written policy for reading meters with AMR/AMI. Mr. Drennen replied that for billing purposes, meters would only be read once a month. Mr. Eichman added that readings can be done as needed. Mr. Crusey noted that residents will be able to go on-line and see their usage.

Adjournment

There being no further business, the meeting adjourned at 9:40 p.m.

Patrick Hale, President

Attest: _____
Cathy Ross, Clerk of Council